

# **EXHIBIT 5**

## Tim Pack

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**From:** Tim Pack  
**Sent:** Thursday, July 25, 2024 9:06 AM  
**To:** Casey O'Neill; Claire Mena; Joshua Parr; Aaron Lebenta  
**Cc:** Felix Lee  
**Subject:** RE: Nakamura

Casey,

We are resolving the production issues and hope to produce medical records from Mr. Mitsuishi very soon. But these issues are separate from the scheduling of Nakamura's deposition. We requested to take Nakamura's deposition first and therefore we will take his deposition before any other depositions occur in this case. You have not, to my knowledge, asked for any proposed deposition dates for my clients.

Therefore, please confirm by Monday that Nakamura will sit for an in-person deposition in California or Nevada to take place before the end of October 2024. Otherwise, give me some dates next week you are available for a meet and confer call.

Regards,

Timothy R. Pack | ClydeSnow  
Direct/Text 801.433.2447

**From:** Casey O'Neill <coneill@fenwick.com>  
**Sent:** Monday, July 22, 2024 5:32 PM  
**To:** Tim Pack <TRP@clydesnow.com>; Claire Mena <CMena@fenwick.com>; Joshua Parr <JParr@fenwick.com>; Aaron Lebenta <ADL@clydesnow.com>  
**Cc:** Felix Lee <FLee@Fenwick.com>  
**Subject:** RE: Nakamura

Tim,

In our below email correspondence, we identified what appear to be responsive documents that were not correctly produced in your last production. Resolution of these document issues, along with your anticipated production of medical records, must precede deposition scheduling. Additionally, in part because of the necessary travel involved for a deposition of Dr. Nakamura, we believe depositions of your clients should occur before Dr. Nakamura's deposition.

Please let us know your assessment of the document production issues. A good first step would be to pull and send to us the native versions of the document examples flagged below. We can compare them to what we are seeing in the production and meet and confer as needed.

**From:** Tim Pack <TRP@clydesnow.com>  
**Sent:** Monday, July 22, 2024 10:16 AM  
**To:** Claire Mena <CMena@fenwick.com>; Joshua Parr <JParr@fenwick.com>; Aaron Lebenta <ADL@clydesnow.com>